



**ASSEMBLY AMENDMENT 12,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 351**

May 28, 1997 – Offered by Representatives HARSDORF, WOOD, SYKORA, WALKER,
KRUG and MURAT.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 28, line 9: after that line insert:

3 “**SECTION 85m.** 302.045 (2) (cm) of the statutes is created to read:

4 302.045 (2) (cm) If the inmate is serving a bifurcated sentence imposed under
5 s. 973.01, the sentencing court decided under s. 973.01 (3m) that the inmate is
6 eligible for the challenge incarceration program.”.

7 **2.** Page 28, line 17: after that line insert:

8 “**SECTION 86g.** 302.045 (3m) of the statutes is created to read:

9 302.045 (3m) RELEASE TO EXTENDED SUPERVISION. (a) Except as provided in sub.
10 (4), if the department determines that an inmate serving the term of confinement in
11 prison portion of a bifurcated sentence imposed under s. 973.01 has successfully

1 completed the challenge incarceration program, the department shall inform the
2 court that sentenced the inmate.

3 (b) Upon being informed by the department under par. (a) that an inmate whom
4 the court sentenced under s. 973.01 has successfully completed the challenge
5 incarceration program, the court shall modify the inmate’s bifurcated sentence as
6 follows:

7 1. The court shall reduce the term of confinement in prison portion of the
8 inmate’s bifurcated sentence in a manner that provides for the release of the inmate
9 to extended supervision within 30 days of the date on which the court receives the
10 information from the department under par. (a).

11 2. The court shall lengthen the term of extended supervision imposed so that
12 the total length of the bifurcated sentence originally imposed does not change.

13 (c) The court may not increase the total length of the bifurcated sentence when
14 modifying a bifurcated sentence under par. (b).

15 **SECTION 86r.** 302.045 (4) of the statutes is amended to read:

16 302.045 (4) INTENSIVE SANCTIONS PROGRAM PARTICIPANTS. The department may
17 place any intensive sanctions program participant in the challenge incarceration
18 program. The participant is not subject to subs. (2) ~~and~~, (3) and (3m).”.

19 **3.** Page 30, line 13: after “973.01” insert “, as modified by the sentencing court
20 under s. 302.045 (3m) (b) 1., if applicable”.

21 **4.** Page 85, line 4: after that line insert:

22 “**SECTION 269m.** 972.15 (2c) of the statutes is created to read:

23 972.15 (2c) If the defendant is being sentenced under s. 973.01 and he or she
24 satisfies the criteria under s. 302.045 (2) (b) and (c), the person preparing the

1 presentence investigation report shall include in the report a recommendation as to
2 whether the defendant should be eligible for the challenge incarceration program
3 under s. 302.045.”.

4 **5.** Page 87, line 7: before that line insert:

5 **“(3m) CHALLENGE INCARCERATION PROGRAM ELIGIBILITY.** When imposing a
6 bifurcated sentence under this section on a person convicted of a crime other than
7 a crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06,
8 948.07, 948.08 or 948.095, the court shall decide whether the person being sentenced
9 is eligible or ineligible for the challenge incarceration program under s. 302.045
10 during the term of confinement in prison portion of the bifurcated sentence.”.

11 **6.** Page 87, line 7: after “EXTENSION” insert “OR REDUCTION”.

12 **7.** Page 87, line 10: after “302.113 (3)” insert “and, if applicable, to reduction
13 under s. 302.045 (3m)”.

14 **8.** Page 87, line 12: after “(3).” insert “If the court provides under sub. (3m) that
15 the person is eligible for the challenge incarceration program, the court shall also
16 inform the person of the provisions of s. 302.045 (3m).”.

17 (END)